

REMARKS

By this amendment, claims 1-21 are pending, in which claim 22 was previously canceled without prejudice or disclaimer, no claims are withdrawn from consideration, claim 19 is currently amended, and no claims are newly presented. No new matter is introduced.

The Office Action mailed November 12, 2009 rejected claims 1, 4-6, 9-14, 16, 18, and 19 as obvious under 35 U.S.C. § 103(a) based on *Murray* (US 6,484,033) in view of *Cedervall et al.* (US 2004/0203900), claim 2 as obvious under 35 U.S.C. § 103(a) based on *Murray* (US 6,484,033) and *Cedervall et al.* (US 2004/0203900) in view of *Wilson et al.* (US 7,203,502), claims 3, 15, and 20 as obvious under 35 U.S.C. § 103(a) based on *Murray* (US 6,484,033) and *Cedervall et al.* (US 2004/0203900) in view of *Havinis et al.* (US 6,169,899), claims 7, 8, and 21 as obvious under 35 U.S.C. § 103(a) based on *Murray* (US 6,484,033) and *Cedervall et al.* (US 2004/0203900) in view of *Miriyala et al.* (US 7,024,195), and claim 17 as obvious under 35 U.S.C. § 103(a) based on *Murray* (US 6,484,033) and *Cedervall et al.* (US 2004/0203900) in view of *Nakagawa* (US 5,621,414).

The rejection of claims 1, 4-6, 9-14, 16, 18, and 19 under 35 U.S.C. § 103(a) is traversed.

Independent claim 1 recites, *inter alia*, “receiving an **area event notification request from a client** at a location service entity provided in association with a communication system, the area event notification **request containing information associated with the identity of a mobile station and a geographical area of interest**” and “providing **information regarding services** to the mobile station in response to a notification that the mobile station is present in the geographical area of interest.” Independent claim 18 recites, *inter alia*, “a location service entity configured to receive an **area event notification request from a client containing information associated with the identity of a target mobile station and a geographical area**

of interest” and “the apparatus further configured to provide **information regarding services** to the mobile station.”

The Examiner has acknowledged in the Office Action, at the top of page 3, that *Murray* does not disclose providing “information regarding services to the mobile station” and turns to *Cedervall et al.* to provide for this claim feature. Specifically, the Examiner cites paragraphs [0022], [0024], and [0051] of *Cedervall et al.* A review of these cited portions, as well as other portions, of *Cedervall et al.* reveals that *Cedervall et al.* describes a system wherein a request for location-based services is received, and that in conjunction with receiving this request for location-based services, a unique identifier associated with the wireless unit is obtained (paragraph [0022]). Further, once the location information is procured, location-based services may be provided in response to the request (paragraph [0024]). Thus, in *Cedervall et al.*, in response to a request for location-based services, the location-based service, itself, not **“information regarding services,”** as claimed, is provided.

Accordingly, since neither of the applied references discloses or suggests “providing **information regarding services** to the mobile station in response to a notification that the mobile station is present in the geographical area of interest” or “apparatus further configured to provide **information regarding services** to the mobile station in response to a notification that the mobile station is present in the geographical area of interest,” no *prima facie* case of obviousness has been established with regard to the instant claimed subject matter.

Moreover, at page 3 of the Office action, the Examiner asserted that *Murray* discloses, at col. 10, lines 19-30, the claim feature of “receiving an area event notification request from a client.” However, the cited portion of *Murray* describes “event information,” “event location,” “event backup information,” and “event criteria parameters,” but does not describe either “an

area event notification” or “receiving an area event notification request from a client.” In fact, col. 10, lines 19-23, recite

The event information 120 includes an event time 132, an event location 134, an event backup information 136, and event criteria parameters 129, **received from** either the schedule manager 12 or from **the wireless communication device** 32.

Thus, in *Murray*, any event information is **received from the client** (the Examiner identifies the wireless communication device 32 as corresponding to the claimed client). This is in direct contrast to the claimed subject matter which recites “receiving an area event notification **request from a client**,” i.e., the client requests area event notification; it doesn’t send such event notification as would appear to be the case in *Murray*. Accordingly, in this regard, even assuming that the event information in *Murray* could be construed to correspond to the claimed “area event notification,” which, Applicants assert, cannot be so construed, *Murray* teaches away from the instant claimed subject matter, which is evidence of non-obviousness. A reference may be said to “teach away” when a person of ordinary skill, upon [examining] the reference, would be discouraged from following the path set out in the reference or would be led in a direction divergent from the path that was taken by the applicant. *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994).

Accordingly, again, no *prima facie* case of obviousness has been established with regard to the instant claimed subject matter. Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1, 4-6, 9-14, 16, 18, and 19 under 35 U.S.C. § 103(a).

The rejection of claim 2 under 35 U.S.C. § 103(a) is traversed.

Wilson et al., applied for an alleged teaching of the claim 2 feature of “wherein the monitoring is activated at the mobile station,” does not cure the deficiencies of *Murray* and *Cedervall et al.*, argued above. For this reason, alone, claim 2 is allowable.

Moreover, claim 2 is patentable separately from independent claim 1 because the feature of “wherein the monitoring is activated at the mobile station” is absent from the teachings of *Murray* and *Cedervall et al.*, as acknowledged by the Examiner, and *Wilson et al.* provides no incentive to the skilled artisan to modify the *Murray/Cedervall et al.* combination to provide this feature. If the Examiner considers the criteria match of Fig. 7 of *Murray* to correspond to the claimed activation of monitoring in the sense that the current location of a mobile device is compared to previously received event data and the comparison is indicative of whether a mobile device is within a certain geographical area, it is clear, from *Murray* that any such activation is not at the monitored mobile device but, rather, at application server 76 (see col. 10, lines 24-49). Thus, even if *Wilson et al.* did teach some activation of a monitoring function, there would have been no reason to modify *Murray* by including activation of a monitoring function at the mobile station since this would render *Murray* unsuitable for its intended purpose of using an application server for processing the event data and current location of a mobile device and comparing these values. If a proposed modification would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Examiner’s rationale for this modification, recited at page 6 of the Office Action, is “to provide location based services to the phone such as locating individuals and coordinating meetings.” However, such rationale is a mere generalization, falling far short of the “articulated reasoning with some rational underpinnings” required by the U.S. Supreme Court, *KSR Int’l Co.*

v. *Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385(2007). In any event, there would be no need to place the activation of the monitoring “at the mobile device” to provide for these location based services.

Moreover, *Wilson et al.* does not disclose “wherein the monitoring is activated at the mobile station,” as it is alleged to disclose. The Examiner asserted that this feature is taught at Fig. 1b, in the first step, with item 102. As discussed at col. 6, lines 18 *et seq.*, *Wilson et al.* discloses a wireless device 102 that requests directions. WAP gateway 104 receives the request for directions and provides it to portal application server 108, which then sends the request to database 124, and the database provides back information, such as an IP address or other information regarding the registered user of the wireless device 102. The process continues until the direction information sought is sent back to the mobile device by email or SMS messages. There is no disclosure within *Wilson et al.* indicative of wireless device 102 being the site at which activation of a monitoring operation occurs, as claimed.

Accordingly, claim 2 is separately patentable under 35 U.S.C. § 103(a) and the Examiner is respectfully requested to withdraw the rejection of claim 2 under 35 U.S.C. § 103(a) even if the rejection of claim 1 is maintained.

The rejection of claims 3, 15, and 20 under 35 U.S.C. § 103(a) is traversed.

Havinis et al., applied for the alleged teaching of monitoring based on the identification of at least one identity of at least one cell of a communication system selected based on information regarding the area of interest, does not cure the deficiencies of *Murray* and *Cedervall et al.*, argued above. For this reason, alone, claims 3, 15, and 20 are allowable.

However, claims 3, 15, and 20 are allowable separately from their independent claims. Claim 3, for example, recites “wherein the monitoring is based on the identity of at least one cell of the communication system selected based on said information of the area of interest.” This feature is absent from the teachings of *Murray* and *Cedervall et al.*, as acknowledged by the Examiner, and *Havinis et al.* provides no incentive to the skilled artisan to modify the *Murray/Cedervall et al.* combination to provide this feature. *Havinis et al.* is directed to providing historical data for location services wherein a positioning request and cell id can be routed directly to an MLC 370 (step 455 in Fig. 4A) and position of a mobile terminal can be determined (e.g., col. 2, lines 42-46). Notwithstanding a general disclosure of providing a “cell id,” there is no disclosure or suggestion in *Havinis et al.* of basing the monitoring of an operation as claimed (i.e., “monitoring for an event indicative of a change in the presence status of the mobile station relative to said geographical area of interest”) “on the identity of at least one cell of the communication system selected based on said information of the area of interest.”

Accordingly, claims 3, 15, and 20 are separately patentable under 35 U.S.C. § 103(a) and the Examiner is respectfully requested to withdraw the rejection of claims 3, 15, and 20 under 35 U.S.C. § 103(a) even if the rejection of claims 1 and 18 is maintained.

The rejection of claims 7, 8, and 21 under 35 U.S.C. § 103(a) is traversed.

Miriyala et al., applied for the alleged teaching of “wherein the area of interest is defined by means of a shape of the area,” does not cure the deficiencies of *Murray* and *Cedervall et al.*, argued above. For this reason, alone, claims 7, 8, and 21 are allowable.

However, claims 7, 8, and 21 are allowable separately from their independent claims. Claim 7, for example, recites “wherein the area of interest is defined by means of a shape of the

area.” While the Examiner asserted that col. 3, lines 42-60, of *Miriyala et al.* discloses this feature, there is nothing therein relative to defining an area of interest “by means of a **shape** of the area,” as claimed.

Accordingly, claims 7, 8, and 21 are separately patentable under 35 U.S.C. § 103(a) and the Examiner is respectfully requested to withdraw the rejection of claims 7, 8, and 21 under 35 U.S.C. § 103(a) even if the rejection of claims 1 and 18 is maintained.

The rejection of claim 17 under 35 U.S.C. § 103(a) is traversed.

Nakagawa, applied for the alleged teaching of “confirming the location of the mobile station responsive to the signalling location, to ensure the location corresponds to the area of interest” does not cure the deficiencies of *Murray* and *Cedervall et al.*, argued above. For this reason, alone, claim 17 is allowable.

However, claim 17 is allowable separately from independent claim 1. Claim 17, recites “confirming the location of the mobile station responsive to the signalling location, to ensure the location corresponds to the area of interest.” While the Examiner asserted that col. 1, lines 7-18, of *Nakagawa* discloses this feature, and the cited portion does discuss a “location confirming system,” there is nothing therein relative to “confirming the location of the mobile station responsive to the signalling location, **to ensure the location corresponds to the area of interest**,” as claimed. The Examiner’s rationale for combining *Nakagawa* with *Murray* and *Cedervall et al.*, explained at page 8 of the Office Action, is “to minimize errors.” This general rationale is so thin as to constitute no rationale at all, and clearly does not rise to the standard of “articulated reasoning with some rational underpinnings” required in *KSR*.

Accordingly, claim 17 is separately patentable under 35 U.S.C. § 103(a) and the Examiner is respectfully requested to withdraw the rejection of claim 17 under 35 U.S.C. § 103(a) even if the rejection of claim 1 is maintained.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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February 11, 2010

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